

Under Federal Rule of Civil Procedure 71.1(i)(2), the Court may at any time dismiss an unnecessarily or improperly joined Defendant, or any Defendant that has no interest in the property to be condemned.⁴ The Court reviewed the disclaimer and finds it to be duly executed. The Court thus finds good cause for dismissing the disclaimed Defendant from this case and accordingly **DISMISSES** Defendant Ameida Salinas, Starr County Tax Assessor-Collector from this case and instructs the Clerk of the Court to terminate this Defendant as a party to this case. The Court now turns to the motion for a continuance.

II. CONTINUANCE

The parties' initial pretrial and scheduling conference was originally scheduled for November 2020.⁵ The Court continued the conference for Defendants to obtain counsel.⁶ After Plaintiff United States failed to serve most Defendants until late November 2020, the Court continued the initial pretrial conference again and set a deadline to serve Defendants.⁷ The instant motion requests yet another continuance in light of newly inaugurated President Biden's January 20, 2021 executive order regarding the southern international border.⁸ The United States filed the motion on February 2, 2021, so the opposed motion will not be ripe until after the conference the United States seeks to continue.⁹ Three Defendants are unopposed to the requested relief, but the United States attempted to contact three other Defendants "on multiple occasions with no success."¹⁰ Therefore, the Court will treat the instant motion as unopposed and consider it *instanter*.

⁴ FED. R. CIV. P. 71.1(i)(2); *see id.* advisory committee's note to 1951 amendment ("[T]he court may at any time drop a defendant who has been unnecessarily or improperly joined as where it develops that he has no interest.").

⁵ Dkt. No. 4.

⁶ Dkt. No. 9.

⁷ Dkt. No. 17.

⁸ Dkt. No. 24 at 2.

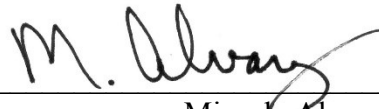
⁹ *See* LR7.3 (opposed motions are submitted after 21 days).

¹⁰ Dkt. No. 24 at 3.

The United States requests a continuance of the twice-rescheduled February 16, 2021, initial pretrial and scheduling conference and its associated joint discovery/case management plan deadline in light of President Biden's proclamation concerning the border wall.¹¹ The President's proclamation directs numerous heads of executive agencies to "pause work on each construction project on the southern border wall" and to "develop a plan for the redirection of funds concerning the southern border wall . . . within 60 days" from January 20th.¹² "The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket."¹³ The Court finds good cause in the parties' request that this eminent domain proceeding be abated while the United States develops its plan concerning the border and associated land use. The Court **GRANTS** Plaintiff's motion¹⁴ and continues the initial pretrial and scheduling conference previously rescheduled for February 16th to **April 13, 2021, at 9:00 a.m.** Parties shall confer pursuant to Federal Rule of Civil Procedure 26(f) and file a renewed joint discovery/case management plan no later than **April 2, 2021**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 3rd day of February 2021.



Micaela Alvarez
United States District Judge

¹¹ *Id.* at 2, ¶¶ 1–3.

¹² Proclamation No. 10142, §§ 1–2, 86 Fed. Reg. 7,225, 2021 WL 197402 (Jan. 20, 2021).

¹³ *Clinton v. Jones*, 520 U.S. 681, 706 (1997).

¹⁴ Dkt. No. 24.